



**UPR Submission
Turkmenistan
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Human Rights Watch
Freedom Now
Turkmen Initiative for Human Rights

Summary

The Turkmen government continues to pursue and impose harsh and highly repressive policies and laws. Since the Human Rights Council's initial review of Turkmenistan under the UPR procedure in 2008, the government has ignored recommendations urging the release of political prisoners and an end to the harassment and persecution of independent journalists, human rights activists, and dissidents. The government has not eased tight and arbitrary restrictions on the right to freedom of movement, nor has it opened up the country to independent human rights scrutiny.

Political Prisoners

A key concern in Turkmenistan is the government's use of imprisonment as a tool for political retaliation. As a result of more than two decades of this practice, unknown numbers of individuals languish in Turkmen prisons on what appear to be politically motivated charges. The government did free two political prisoners named in the previous UPR recommendations: **Valery Pal** was released by a general presidential amnesty in December 2008, and **Mukhametkuli Aymuradov** was released after serving out his 14-year prison term. However, other individuals named in recommendations remain unjustly imprisoned, and the government in fact rejected all recommendations to release political prisoners and to "account for those prisoners whose fate is unknown."

Annakurban Amanklychev, Saparurdy Khajiev, and Ogulsapar Muradova were affiliated with the Turkmenistan Helsinki Foundation—a human rights group based in exile in Bulgaria. In June 2006, police in Ashgabat arrested all three. In public statements, the security services cited Amanklychev's participation in human rights trainings in Poland and Ukraine and his work with British and French journalists who visited Turkmenistan to justify his arrest. In August 2006, a court sentenced Amanklychev, Khajiev, and Muradova in a closed trial to prison terms ranging from six to seven years on bogus charges of "illegal weapons possession."

Ogulsapar Muradova died a suspicious death in custody in September 2006, and no reliable investigation of her death was conducted. Turkmen authorities declared that Muradova "died of natural causes." Notably, Turkmen authorities rejected a recommendation to hold an independent inquiry into her death.

Amanklychev and Khajiev remain in prison, serving seven-year sentences.

Gulgeldy Annaniyozov is a former political prisoner who from 2002 until 2008 lived in exile in Norway, where he holds refugee status. Annaniyozov returned to Turkmenistan in June 2008, and was arrested the next day at home without a warrant. He was allegedly charged with illegal border crossing (for returning to his own country) and was sentenced on October 7, 2008 to 11 years of imprisonment. His family does not have information on the exact charges against him, has not been allowed to visit him since his arrest, and was not informed about the time and place of his trial.

In February 2011, two singers—**Murad Ovezov** and **Maksat Kakabaev**—were sentenced to five and seven years imprisonment, respectively, almost certainly in retribution for their music and their involvement in a talk show aired on a Turkish satellite channel a month earlier. The talk show

featured Western-style interviews with Ovezov and Kakabaev and showed clips of the singers' Western-style music videos. After the show was aired, police summoned Kakabaev, Ovezov, and five singers who have been seen in other video clips with Ovezov and Kakabaev. The five singers were released after serving 15-day misdemeanor sentences for charges that are not known to human rights defenders. Kakabaev and his father, brother, and brother-in-law were sentenced to seven years' imprisonment on charges not known to human rights defenders and that are allegedly related to a year-old, resolved dispute with a neighbor over a television antenna. Ovezov's sentence was based on a suspended sentence relating to a car accident he had been involved in previously.

Because Turkmen law does not provide for alternative service, conscientious objectors are charged under the criminal code for evading compulsory military service. As of August 2012, at least four Jehovah's Witnesses were imprisoned in Turkmenistan for conscientious objection, and five received suspended (non-custodial) prison sentences.

Enforced Disappearances

The fate of some of several dozen prisoners convicted in relation to the November 2002 alleged assassination attempt on then-president Saparmurat Niazov remains unknown, with their whereabouts not disclosed even to their families.

Freedom of Expression and Information

The government of Turkmenistan accepted, but failed to act on, a number of general recommendations regarding freedom of expression and information and harassment and intimidation of journalists. The government does not tolerate any criticism. It imposes draconian restrictions on freedom of expression and association, and enforces them by threatening, harassing, or imprisoning those who dare to question its policies, however modestly. The UN Human Rights Committee in March 2012 concluded that the government "systematically does not respect the right to freedom of expression," "harass[es] and intimidate[s] journalists and human rights defenders," and "monitors the use of the internet and blocks access to some websites."

For example, in October 2011 **Dovletmurad Yazkuliye**v, a journalist for Radio Free Europe/Radio Liberty (RFE/RL), was sentenced to five years' imprisonment on false charges of urging his sister-in-law to commit suicide. The charges, brought in September 2011, were in retribution for Yazkuliye's blogs critical of the authorities' inadequate response to explosions in a military armory in July 2011, which caused many deaths and extensive damage to civilian property. A week after the blasts, National Security Service officials interrogated Yazkuliye and threatened him with prison if he did not stop his reporting on the incident. After an international outcry, on October 26, 2011, Yazkuliye was released from prison under a general presidential amnesty.

Amangelen Shapudakov, another RFE/RL contributor and 80 years of age at the time, was detained on March 7, 2011, and forcibly confined in a psychiatric facility for 43 days. Jumageldi Mulkiyev, dismissed from his position as editor-in-chief of the magazine *Turkmen World*, was forcibly confined for eight days in a psychiatric hospital in March 2011 after his return from holiday in Iran.

Internet access remains limited and heavily controlled by the state. The country's only internet service provider is state-operated, and websites for the exiled political opposition, international human rights organizations, and foreign-based news organizations are blocked. Social network sites such as Livejournal, Facebook, Twitter and YouTube are also often unavailable

Internet cafes require visitors to present their passports. The government is known to monitor electronic and telephone communications.

Following the July 2011 explosion in Abadan, the government concealed information about the explosion, sealed the city, and temporarily shut down mobile and internet lines, hindering people's efforts to locate loved ones and concealing the extent of destruction.

The website of the Turkmen Initiative for Human Rights (TIHR), an exiled, Vienna-based human rights group, was hacked at least eight times in the past three years, including in July 2011, after it published information about the Abadan explosion. After TIHR issued a statement about the hacking, security services visited the home of website editor's mother, in Turkmenistan, and attempted to intimidate her.

In the lead-up to the February 2012 presidential election in Turkmenistan, TIHR's website was disabled for nine days due to hacking, and the website of the exiled Turkmen political opposition, "Gundogar.org," was exposed to denial-of-service attacks for several days.

Internet users in Turkmenistan with gmail accounts could not access their e-mails from February 16 to February 26, 2012, and for two weeks in June 2012 Internet users could not access Ertir.com, a popular web platform for social contact and political discussion among youth.

In a questionable practice used to boost subscription rates, employees of different state institutions are required to purchase subscriptions to state-owned periodicals issued in their field of work. The country's only privately owned newspaper *Rysgal*, launched in October 2010, publishes semi-official information targeted at the members of the Union of Industrialists and Entrepreneurs, to whom it caters. It is owned by Aleksander Dadaev, a wealthy and powerful entrepreneur with close ties to the current president.

Human Rights Defenders

Turkmenistan failed to respond to recommendations to ensure that human rights defenders can carry out work without harassment, threat, and undue constraints. The threat of government repression in retribution for any criticism of government policies and practices is so immediate and credible that independent human rights activists and journalists cannot work openly. In addition, the government has consistently refused access to the country for human rights monitors, including UN special procedures, 10 of whom remain unable to carry out country visits despite repeated requests for access.

The UN Human Rights Committee found that the Law on Public Associations "severely restricts freedom of association," forcing associations to "undergo cumbersome administrative processes for registration. NGOs are legally banned from carrying out any work unless they are registered, yet no independent NGO has obtained registration in the past four years.

Activists and journalists both in Turkmenistan and in exile remain under a constant threat of government reprisal and intimidation for their work. In a chilling example of such intimidation, **Natalia Shabunts**, one of the very few openly active human rights defenders, who is based in Ashgabat, found a severed sheep's head on her doorstep on February 3, 2012, the day after speaking with Radio Free Europe's Turkmen Service, Radio Azatlyk. Authorities also commonly engage in intimidation of human rights defenders living in exile by threatening them directly and by targeting extended family members still residing in Turkmenistan. Security services routinely warn activists in Turkmenistan not to meet with foreign officials who visit the country.

In April 2011, security services arrested **Bisengul Begdesenov**, who had previously tried unsuccessfully to register an ethnic Kazakh cultural center in Ashgabat. According to Begdesenov's family, officials searched his apartment without a warrant and confiscated computers and other materials. In May 2011 a court handed him a suspended nine-year sentence for fraud and abetting bribery. In February 2012 Begdesenov was amnestied under a presidential amnesty act, but he continues to be harassed. Authorities twice prevented him from traveling abroad, but finally allowed him to travel in May 2012.

For more than four years after police confiscated dissident **Gurbandurdy Durdykuliev's** passport, authorities have refused to reinstate it, which is preventing him from receiving his pension and disability allowance and from traveling beyond the province where he resides.

Farid Tukhbatullin, a well-known Turkmen human rights defender who lives in exile in Austria faced threats in October 2010. On September 30, 2010, Berdymukhamedov instructed the Ministry of National Security to lead an "uncompromising fight against those who slander our democratic... secular state." His speech came the day after a satellite channel broadcast an interview with exiled Turkmen activist Farid Tukhbatullin, chair of the Turkmen Initiative for Human Rights. In subsequent days, hackers disabled TIHR's website, and there were credible threats that the Turkmen security services planned to physically harm Tukhbatullin. In June 2010, authorities in Turkmenistan began questioning former classmates and teachers of Tukhbatullin's sons, who also live in exile. At least three were threatened with treason charges if they maintained ties with the family.

AndreiZatoka, an environmental activist, was arrested on October 20, 2009 in Dashoguz and sentenced nine days later to five years' imprisonment on false charges of "causing injuries of medium severity." Security services pressured Zatoka to renounce his Turkmen citizenship and leave the country as an unofficial condition of his release. On November 6 the appeals court commuted Zatoka's sentence to a fine equivalent of US\$350, and Zatoka and his wife were forced to leave for Russia the next day.

Freedom of Movement

The government of Turkmenistan rejected a recommendation to abolish the mandatory residence registration system (*propiska*) that denies freedom of movement for people within the country. It also rejected a recommendation to revoke travel bans on human rights defenders. The system of mandatory registration at one's place of residence remains in force in Turkmenistan, preventing residents from legally residing, working, buying real estate, using public health care services, or placing their children in schools outside the city or settlement where they are registered. It is often very difficult to change the place of registration, especially when moving to large cities such as the capital Ashgabat.

Turkmenistan accepted the recommendation to "respect the rights of everyone to be free to leave and return to their own country, in conformity with article 12 of the ICCPR." However, Turkmen authorities have continued to arbitrarily interfere with and control residents' right to leave and return to Turkmenistan through an informal and arbitrary system of travel bans commonly imposed on activists, their families, and relatives of exiled dissidents. While a handful of civil society and political activists who had previously been banned from foreign travel have been permitted to travel abroad, a so-called "blacklist" of names of people banned from leaving the country is still in place. A secret presidential decree, which reportedly entered into force in August 2010, is believed to include the names of more than 37,000 individuals who are not allowed to leave or enter Turkmenistan.

Those targeted have not been able to travel to other countries for the purpose of work, study, visits to relatives and friends, medical treatment, and the like.

For example, in July 2010 Turkmen border control would not allow **Umida Jumbaeva**, an activist, leave the country to visit friends in Kazakhstan. Jumbaeva had helped environmental activist **Andrei Zatoka** during his arrest and trial in October 2009.

In 2009, 46-year-old **Ovez Annaev**, whose brother-in-law is a well-known, exiled member of the political opposition, died after being denied the right to travel to Russia for medical treatment and surgery for a heart condition.

For years, Radio Liberty stringer **Gurbansoltan Achilova** and her family endured various forms of harassment by the authorities and were barred from foreign travel. Her son, **Mukhammetmyrat**, who had repeatedly been denied permission to travel abroad, committed suicide on June 12, 2010. One month later the family received a letter from the Turkmen migration services granting him permission to travel.

Also, in 2009, some 150 Turkmen students were prevented from returning to Kyrgyzstan to resume their studies. After international pressure, the students were allowed to leave the country in 2010, provided they were leaving for study in countries other than Kyrgyzstan.

In July 2010 the Turkmen government barred Turkmen citizens who also held Russian passports from traveling to Russia unless they had Russian visas. Persons with Russian and older Turkmen passports are requested at the Ashgabat airport to show a Russian entry visa in their Turkmen passport. Turkmenistan abrogated its dual citizenship treaty with Russia in 2003, but had allowed holders of Russian passports to use them for travel to Russia until July 2010.

In December 2011, offices of Turkmen airlines warned travellers that from July 2013 onwards air tickets for destinations abroad will be sold only for holders of the new Turkmen international passport.

Illegal House Evictions in Ashgabat

Local authorities in Ashgabat and the surrounding area have evicted, expropriated, and demolished homes of residents without a court ruling or providing adequate compensation, alternative accommodations, or notice. The demolitions make way for construction as part of a massive urban renewal project initiated in the late 1990s. While official statistics are not published, Human Rights Watch estimates that in the past decade the projects have displaced thousands of residents.

Recommendations

- Launch a nationwide, transparent review of all political cases of past years in order to establish an accurate number of political prisoners and begin to provide them with justice;
- Immediately release Annakurban Amanklychev, Sapardurdy Khajiev, Gulgeldy Annaniyazov, Murad Ovezov, and Maksat Kakabaev;
- Immediately disclose the whereabouts and, if relevant, information on the fate of all the defendants of the 2002 alleged assassination attempt on former president Niazov, and release their imprisoned relatives; afford those in detention full due process including visits from their family members and conduct a review of their convictions;
- End harassment, arbitrary detention, and other acts of retribution against journalists, human rights defenders, and civil society activists;
- Cease interference with access to the Internet;
- Grant unfettered access to Turkmenistan for international human rights monitors, including the 10 UN special procedures who have requested invitations;
- Reform the Law on Public Associations with a view to ensuring it does not unduly restrict freedom of association, simplifies the administrative process for registration, and minimizes reporting obligations to authorities;
- Allow domestic non-governmental organizations to register and function without undue interference and cease imposing pressure on activists, both in Turkmenistan and in exile;
- Allow national and international organizations to conduct independent human rights monitoring;
- Fully respect the right of everyone to be free to leave and return to their own country;
- Ensure that all further house expropriations, evictions, and demolitions are halted until they can be carried out in a manner consistent with Turkmen national law and Turkmenistan's international commitments, and ensure that property owners have access to alternative accommodation to which they are entitled under national law or fair compensation to which they are entitled under international law.